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January 24, 2012

Ex Parte

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: Lifeline and Link Up Reform and Modernization WC
Docket No.03-109; WC Docket No. 11-42; CC Docket No.
96-45

Dear Ms. Dortch:

I am respectfully submitting this letter to be included in the record of the Lifeline and Link Up Reform and Modernization proceeding. I have attached two of our recent blog posts on the Benton Foundation Digital Beat webpage regarding issues in the Lifeline and Link Up Reform and Modernization proceeding. We write about the need for the upcoming order to thoughtfully plan for educating all the relevant parties about the upcoming changes to the Lifeline program and the importance of not limiting Lifeline availability to a household's housing situation. We look forward to working with the Commission and the array of Lifeline stakeholders to create a robust Lifeline program.

Respectfully submitted,

//s//

Olivia Wein, Staff Attorney
National Consumer Law Center,
On behalf of its low-income clients

Enclosure

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Cc: Mr. Zachary Katz
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Attachment: NCLC's Two Blog Posts About the Lifeline Reform and Modernization Program

<http://benton.org/node/111321>

FCC Must Reach Out On Upcoming Changes to Lifeline Telecom Program

Submitted by Benton Foundation on behalf of Olivia Wein on January 23, 2012 - 11:53am

By the end of this month, the Federal Communications Commission (FCC) is expected to issue new rules aimed at reforming and modernizing the low-income Lifeline telephone program. The rules are expected to include many changes to the application process. It will also update the annual check-in which determines continued eligibility for the program.

Whether the FCC succeeds in this effort will depend on whether the reform order includes an extensive education and outreach component to explain the changes. Planning must start *now*.

The Lifeline order should:

- spell out the duties of telecom carriers to train their customer service representatives about the new program design,
- ensure the carriers' websites include information that is easy to find and understand on the Lifeline benefit and how to apply,
- ensure that the Lifeline application forms are simple and easy to follow. The language should be understandable for those with low-literacy skills, and ideally tested with appropriate focus groups to ensure that the forms are understandable and usable (poorly designed forms can lead to mistaken rejections),
- ensure materials are accessible for consumers with disabilities and non-English speakers, including:
 1. prominent carrier website information about the new Lifeline program,
 2. clear materials that explain the new program processes, and
 3. clear Lifeline application and annual re-certification materials, and
- include a role for community-based organizations to provide outreach, education and assistance with the applications process.

The FCC does not have to reinvent the wheel to roll out this plan.

With the recent duplications corrections process, the Universal Service Administrative Company (USAC), the (administrator of the Lifeline program, worked closely with the carriers to identify and educate customers about the need to select one Lifeline provider. USAC:

- developed a letter in English and Spanish that explained why the customer was receiving the letter and the process to inform USAC about which carrier the customer chose for Lifeline service,
- provided a toll-free number to make the process easy for the applicant, and
- followed up with a reminder postcard and phone call to nonresponsive customers.

Such additional customer “touches” will be especially critical for reaching out to existing Lifeline customers who may not realize the program has changed when it is time for them to recertify their continued eligibility.

The FCC is nearing the home stretch in issuing this upcoming order that will strengthen and bring the low-income Lifeline phone program into the 21st century.

Now is the time the FCC should hardwire into its order an inclusive and extensive outreach and education program for Lifeline beneficiaries. Failure to do so? Many current and future customers could be put on hold or get dropped. And that’s not the kind of customer service that will be good for anyone.

Olivia Wein is a staff attorney at the [National Consumer Law Center](#).

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<http://benton.org/node/110733>

FCC’s Low-Income Phone Reform Needs to Connect and Tie Eligibility to People, Not Housing

Submitted by Benton Foundation on behalf of Olivia Wein on January 18,
2012 - 7:25pm

The Federal Communications Commission is poised to reform and modernize the Lifeline phone program that was created to help low-income households afford phone service. The reform and modernization is expected to move the program beyond traditional landline service to better accommodate wireless phone service and to set a foundation to move to broadband access for poor people. Yet, the reform could also discriminate against the very people the program was designed to help.

How so? The FCC is considering limiting the Lifeline benefit to people with a unique residential street address.(1)

Phone service is no longer limited to the black phone in the hallway and new Lifeline rules should accommodate the reality of the households it's designed to benefit.

The FCC has the opportunity to modernize Lifeline to reach the underserved and the unserved, which includes:

- families who have doubled up with other families because they lost or can't afford their own home,
- homeless individuals and families,
- people with special needs who live in group housing,
- households that rely on a P.O. box or a mailbox on a rural route, and
- other situations such as Navajo families who live in [hogans](#) without a unique residential street address.

Instead of limiting Lifeline to a building, we, along with other low-income advocates in the U.S., have [proposed](#) that a "household" definition should be based on the federal Low Income Home Energy Assistance Program (LIHEAP) (one of the programs that can qualify a household for Lifeline): "Any individual or group of individuals who are living together as an economic unit." The federal poverty level, which is the basis of income-eligibility for federal assistance programs, is based upon the number of people in a household. Other low-income programs like LIHEAP do not tie eligibility for a benefit to the type of housing the household lives in. The sad reality is that when families have a hard time making ends meet, they sometimes double up with other households because they can't afford their own home. The [2010 Census](#) reports an increase in the number of households doubling up.

There are also a range of group housing situations that are affected by a Lifeline rule that limits the benefit by housing status, including:

- domestic violence shelters,
- single-room occupancies,

- group homes for those with disabilities
- nursing homes, and
- homeless shelters.

Limiting the Lifeline benefit to a unique residential street address would mean that the first low-income household to apply could get Lifeline, but others living at that same address would be rejected because the rule would forbid more than one Lifeline benefit at an address. P.O. boxes would not count as a unique residential street address. What's more, tying the Lifeline program eligibility to a brick-and-mortar structure would also erect barriers to a key goal of the FCC reform: to expand network connectivity for low-income and rural people.

The federal telephone Lifeline program has played a crucial role in keeping tens of millions of low-income households connected to employers, medical personnel, and families by making local phone service more affordable. This has enhanced the value of the phone network as more people are reachable by phone.

Instead of tying the Lifeline phone service to a *building*, the FCC should reform and modernize the program to reflect current lifestyles of *people*. There is still time to make this needed improvement to the reform. We urge the FCC to make the connection.

Notes:

1) The FCC, in its initial [Notice of Proposed Rulemaking for the Lifeline Reform and Modernization](#) has proposed to add language to the Lifeline rules that would limit the Lifeline benefit to a “residence” which is defined as a “unique residential address recognized by the U.S. Postal Service . . .” While limiting a federal benefit to a household is common amongst other federal assistance programs that look at the income of the household in eligibility determinations, the FCC’s proposal to equate a household with a brick-and-mortar structure (the “residence”) is where the proposal runs afoul of the intent of the Lifeline program.

Olivia Wein is a staff attorney at the [National Consumer Law Center](#)

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